

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

IN RE GENETICALLY) Case No. 4:06MD 1811 CDP
MODIFIED RICE LITIGATION) ALL CASES

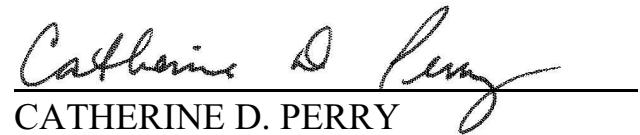
ORDER

Defendant Bayer AG has moved for an amendment of my earlier order denying its motion to dismiss for lack of personal jurisdiction. Bayer AG seeks to have that decision certified for appeal under 28 U.S.C. § 1292(b). Certification may be granted where there exists substantial ground for difference of opinion on a controlling question of law.

Bayer AG maintains there are two controlling questions relating to the jurisdictional issue that are suitable for appeal. First, Bayer AG argues there is substantial ground for difference of opinion on the applicability of the Eighth Circuit decision in *Anderson v. Dassault Aviation*, 361 F.3d 449 (8th Cir. 2004). Second, Bayer AG argues there are a number of questions raised with respect to the corporate veil piercing law of the various forum states in this MDL. Because I continue to believe that my earlier ruling denying the motion to dismiss is correct, and I do not believe there is substantial ground for difference of opinion on this point, defendant's motion for certification of an appeal will be denied.

Accordingly,

IT IS HEREBY ORDERED that defendant's motion for a certificate of appealability [#752] is DENIED.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 27th day of August, 2008.